APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,374	04/08/2004	Dale W. Malik	190250-1910	7646

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EXAMINER
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ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/820,374	MALIK, DALE W.	
Office Action Summary	Examiner	Art Unit	
	TREVILLIAN HIGHTER	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 April 2008</u>.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>08 April 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/14/2008</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

2.   **Claims 1-3, and 5-20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable by Carolan et al. (Pub. No. US 2004/0133440 A1), in view of et al.

Block (Pub. No. US 2003/0050976 A1).

3.   With respect to claim 1, Carolan discloses an account server ([0157], lines 1-7,

when a system handles membership features, a server is inherent; [0069], lines 1-4,

resource sharing would require a server.) to manage a plurality of direct accounts for a plurality of resident users of the network community ([0157], lines 1-3) and at least one guest account for at least one guest of a respective resident user ([0157], lines 1-4); a client (a computer used by an existing member) of a respective resident user of the network community configured to send to a non-resident user of the network community an invitation to become the guest of the respective resident user ([0182], lines 1-2; [0043], lines 3-4), wherein the account server is configured to create a guest account for the non-resident user after the sending of the invitation ([0075], lines 1-9; [0078], lines 1-4, it is apparent a guest account is created after the registration process since the invitation message includes registration instructions).

Carolan does not disclose the guest account is activated in response to acceptance of the invitation by the non-resident user thereby making the non-resident user a member to the network community.

Block, however, discloses the guest account is activated in response to acceptance of the invitation by the non-resident user thereby making the non-resident user a member to the network community ([0045], lines 1-5; [0020], lines 9-11).

Both the systems of Carolan and Block teach joining a network community. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carolan with the teachings of Block, in order to provide more secure development of the information structure.

4.   With respect to claim 2, Carolan discloses receive an answer to the invitation
from the non-resident user ([0182], lines 2-6, when a prospect registers, receiving an
answer to the invitation is inherent); activate the guest account of the non-resident user
([0157], lines 1-4, when registering new members, activating the guest account is
inherent) if the answer to the invitation is an acceptance of the invitation ([0182], lines 4-
6, when a prospect registers, accepting the invitation is inherent); and delete the guest
account of the non-resident user ([0113], lines 3-4) if the answer to the invitation is a
declination of the invitation ([0113], lines 1-4, members are able to remove another from
their personal community at any time, which may include declination of the invitation),
wherein the invitation contains identification information about the non-resident user that
is used to setup the guest account of the non-resident user ([0182], lines 11-13) and the
invitation provides a mechanism for answering the invitation ([0182], lines 2-6).

5.   With respect to claim 3, Carolan discloses the invitation is an email message
([0182], lines 2-4).

6.   With respect to claim 5, Carolan discloses after occurrence of the end-date, offer
a respective guest associated with the respective guest account an opportunity to
convert the respective guest account into a new direct account ([0172], lines 1-10);
schedule a cancellation date of the at least one guest account after receiving a request
to cancel a respective direct account of the respective resident user sponsoring the at
least one guest account ([0172], lines 1-13, when a member that has been added to

another account request to be removed, the same process can be performed for a

resident user, therefore, a request by a resident user to cancel a direct account is

inherent); schedule a cancellation date of the at least one guest account after receiving

a request, from the respective resident user sponsoring the at least one guest account,

to cancel the at least one guest account of the at least one guest ([0172], lines 1-13,

when a member that has been added to another account request to be removed, the

same process can be performed for a resident user, a request by a resident user to

cancel a guest account is inherent); and schedule a cancellation date of the at least one

guest account after receiving a request, from the at least one guest associated with the

at least one guest account, to cancel the at least one guest account ([0172], lines 1-3).

7.   With respect to claim 6, Carolan discloses the request to cancel the at least one

guest account ([0172], lines 1-3) is generated by an act of removing the at least one

guest associated with the at least guest account ([0172], lines 1-3) from a roster list of

the respective resident user ([0079], lines 1-4; [0087], lines 1-3).

8.   With respect to claim 7, Carolan discloses the request to cancel the at least one

guest account ([0172], lines 1-3) is generated by an act of removing the respective

resident user ([0172], lines 1-3, when removing members that has been added to

another account, the same process can be performed for a resident user, therefore,

removing a resident user is inherent) from a roster list of the at least one guest ([0079],

lines 1-4).

9.   With respect to claim 8, Carolan discloses members of the network community

utilize a common network service ([0005], lines 1-5; [0006], lines 1-4; [0030], lines 1-4;

[0031], lines 1-3; [0032], lines 1-5 and 8-11), the members of the network community

comprising the plurality of resident users and guests of the plurality of resident users

([0043], lines 1-9).

10.   With respect to claim 9, Carolan discloses the network service is an Internet

application ([0006], lines 5-7).

11.   With respect to claim 10, Carolan discloses means for sending an invitation to a

non-resident user to become a guest of a resident user ([0182], lines 1-2); means for

managing a direct account of the resident user of the network community ([0157], lines

1-3) and a guest account of the guest user of the network community ([0157], lines 1-4),

the guest account sponsored by the resident user ([0157], lines 1-4); means for creating

the guest account after sending the invitation to the non-resident user ([0157], lines 1-4)

means for setting up the guest account with identification information contained in the

invitation about the non-resident user (0182], lines 11-13).

        Carolan does not disclose the guest account is activated in response to

acceptance of the invitation by the non-resident user thereby making the non-resident

user a member to the network community.

Block, however, discloses the guest account is activated in response to acceptance of the invitation by the non-resident user thereby making the non-resident user a member to the network community ([0045], lines 1-5; [0020], lines 9-11).

Both the systems of Carolan and Block teach joining a network community. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carolan with the teachings of Block, in order to provide more secure development of the information structure.

12.   With respect to claim 11, Carolan discloses means for answering the invitation ([0182], lines 2-6); means for activating the guest account ([0157], lines 1-4, when registering new members, activating the guest account is inherent) if the answer to the invitation is an acceptance of the invitation ([0182], lines 4-6, when a prospect registers, accepting the invitation is inherent); and means for deleting the guest account ([0113], lines 3-4) if the answer to the invitation is a declination of the invitation ([0113], lines 1-4, members are able to remove another from their personal community at any time, which may include declination of the invitation).

13.   With respect to claim 12, Carolan discloses means for specifying an end-date for canceling the guest account ([0172], lines 1-10); means for, after occurrence of the end-date, offering the guest user an opportunity to convert the guest account into a new direct account ([0172], lines 1-10); means for, after receiving an acceptance to the invitation by the non-resident user, determining if the resident user has an available

guest slot ([0171], lines 1-4, when a membership is designated a set number of members, "plus 1 more Basic or Premium Member", determining if a guest slot is available is inherent); and means for activating the guest account if there is an available guest slot (0157), lines 1-4; [0171], lines 1-4, when a membership is designated a set number of members, "plus 1 more Basic or Premium Member", determining if a guest slot is available is inherent).

14.   With respect to claim 13, Carolan discloses means for scheduling a cancellation date of the guest account after receiving a request to cancel the direct account of the resident user who is sponsoring the guest account ([0172], lines 1-13, when a member that has been added to another account request to be removed, the same process can be performed for a resident user, therefore, a request by a resident user to cancel a direct account is inherent); means for scheduling a cancellation date of the guest account after receiving a request, from the resident user sponsoring the guest account, to cancel the guest account of the guest user ([0172], lines 1-13, when a member that has been added to another account request to be removed, the same process can be performed for a resident user, a request by a resident user to cancel a guest account is inherent); and means for scheduling a cancellation date of the guest account after receiving a request, from the guest user, to cancel the guest account of the guest user ([0172], lines 1-3).

15.   With respect to claim 14, Carolan discloses managing a direct account of the resident user ([0157], lines 1-3) and a guest account of a guest of the resident user ([0157], lines 1-4); sending an invitation to a non-resident user of the network community to become a guest of a resident user of the network community ([0157], lines 1-4), wherein identification information about the non-resident user is provided to generate the invitation ([0182], lines 11-13); and: creating a new guest account for the non-resident user after sending the invitation to the non-resident user ([0157], lines 1-4), wherein the identification information is utilized to setup the new guest account ([0168], lines 1-4).

        Carolan does not disclose the guest account is activated in response to acceptance of the invitation by the non-resident user thereby making the non-resident user a member to the network community ([0045], lines 1-5; [0020], lines 9-11).

        Both the systems of Carolan and Block teach joining a network community. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Carolan with the teachings of Block, in order to provide more secure development of the information structure.

16.   With respect to claim 15, Carolan discloses specifying an end-date for canceling the guest account ([0172], lines 1-10), wherein the end-date is stored in a data field contained in the guest account ([0172], lines 10-13); and after occurrence of the end-date, offering the guest an opportunity to convert the guest account into a new direct account ([0172], lines 1-10).

17.   With respect to claim 16, Carolan discloses after receiving an acceptance to the invitation by the non-resident user, determining if the resident user has an available guest slot ([0171], lines 1-4, when a membership is designated a set number of members, "plus 1 more Basic or Premium Member", determining if a guest slot is available is inherent); and activating the new guest account if there is an available guest slot (0157], lines 1-4; [0171], lines 1-4, when a membership is designated a set number of members, "plus 1 more Basic or Premium Member", determining if a guest slot is available is inherent).

18.   With respect to claim 17, Carolan discloses receiving an answer to the invitation ([0182], lines 2-6, when a prospect registers, receiving an answer to the invitation is inherent); deleting the new guest account ([0113], lines 3-4) if the answer to the invitation is a declination of the invitation ([0113], lines 1-4, members are able to remove another from their personal community at any time, which may include declination of the invitation); and activating the new guest account ([0157], lines 1-4, when registering new members, activating the guest account is inherent) if the answer to the invitation is an acceptance of the invitation ([0182], lines 4-6, when a prospect registers, accepting the invitation is inherent).

19.   With respect to claim 18, Carolan discloses after detecting an act of removing the guest from a roster list of the resident user ([0172], lines 1-3; [0079], lines 1-4),

scheduling a cancellation date of the guest account ([0172], lines 1-10); and after

detecting an act of removing the resident user from a roster list of the guest ([0172],

lines 1-3; [0079], lines 1-4), scheduling a cancellation date of the guest account ([0172],

lines 1-10).

20.   With respect to claim 19, Carolan discloses members of the network community

utilize a common network service ([0005], lines 1-5; [0006], lines 1-4; [0030], lines 1-4;

[0031], lines 1-3; [0032], lines 1-5 and 8-11); the members of the network community

comprising resident users and guests of the resident users ([0049], lines 1-3).

21.   With respect to claim 20, Carolan discloses the common network service is an

instant messaging service ([0032], lines 1-5 and 8-11).

22.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Carolan, in view of Block, and further in view of Nichols et al. (Pub. No. US

2004/0103203 A1), hereinafter Nichols.

23.   With respect to claim 4, Carolan and Block do not disclose the invitation is an

instant message.

       Nichols, however discloses the invitation is an instant message ([0034], lines 10-

13, another form of communication is instant messaging).

       The systems of Carolan, Block, and Nichols disclose managing resources

involving guest users. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify the teachings of Carolan and Block

with the teachings of Nichols, in order to offer real-time communication.

Response to Arguments

24.   Applicant's arguments, with regards to claims 1-20, filed 8 April 2004 have been

fully considered but they are not persuasive.

25.   On page 8 of the Applicant's Response, applicant argues that Carolan does not

disclose, teach or suggest at least "wherein the account server is configured to create a

guest account for the non-resident user after the sending of the invitation and the guest

account is activated in response to acceptance of the invitation by the non-resident user

thereby making the non-resident user a member to the network community."

       In response to the Applicant's argument, Block teaches, "a shell account is

created upon sending of the invitation to an invited person, and the shell account is

turned into a member account upon acceptance by the invited person" ([0045], lines 1-

5; [0030], lines 1-5, a shell account is interpreted as a guest account since a shell

account holds information about the invited user; [0020], lines 9-11).

26.   On page 10 of the Applicant's Response, applicant argues that Carolan does not

disclose, teach or suggest at least "wherein the account server is configured to create a

guest account for the non-resident user after the sending of the invitation and the guest

account is activated in response to acceptance of the invitation by the non-resident user thereby making the non-resident user a member to the network community."

In response to the Applicant's argument, Block teaches, "a shell account is created upon sending of the invitation to an invited person, and the shell account is turned into a member account upon acceptance by the invited person" ([0045], lines 1-5; [0030], lines 1-5, a shell account is interpreted as a guest account since a shell account holds information about the invited user; [0020], lines 9-11).

27.   On page 11 of the Applicant's Response, applicant argues that Carolan does not disclose, teach or suggest at least "wherein the account server is configured to create a guest account for the non-resident user after the sending of the invitation and the guest account is activated in response to acceptance of the invitation by the non-resident user thereby making the non-resident user a member to the network community."

In response to the Applicant's argument, Block teaches, "a shell account is created upon sending of the invitation to an invited person, and the shell account is turned into a member account upon acceptance by the invited person" ([0045], lines 1-5; [0030], lines 1-5, a shell account is interpreted as a guest account since a shell account holds information about the invited user; [0020], lines 9-11).

Conclusion

28.   Applicant's amendment necessitated the new ground(s) of rejection presented

in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

29.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to TREVILLIAN HIGHTER whose telephone number is

(571)270-3806. The examiner can normally be reached on Monday-Friday 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571)272-3984. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-

8300.3/31

Information regarding the status of an application may be obtained from the

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assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

THH 6-16-2008

Art Unit 2151

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151